

Exhibit B

RICHARD JAMES EAGAN, II
DELTA PILOTS vs MELVIN

January 10, 2019

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<p>1 UNITED STATES DISTRICT COURT SOUTHERN DISTRICT OF NEW YORK</p> <p>2</p> <p>3 CIVIL ACTION NO.: 1:14-cv-00225-AKH</p> <p>4</p> <p>5 DELTA PILOTS ASSOCIATION, a labor organization incorporated in Florida,,</p> <p>6</p> <p>7 Plaintiff,</p> <p>8 -vs-</p> <p>9</p> <p>10 RUSSELL C. MELVIN, an individual,</p> <p>11</p> <p>12 Defendants,</p> <p>13</p> <hr/> <p>14 DEPOSITION OF 15 RICHARD JAMES EAGAN, II 16 PAGES 1 - 122 17 Deposition taken on: 18 Thursday, January 10, 2019 19 10:11 a.m. - 4:33 p.m.</p> <p>20</p> <p>21 Deposition taken at: Esquire Deposition Solutions 101 East Kennedy Boulevard 22 Suite 3350 Tampa, Florida</p> <p>23</p> <p>24 Reported By: Cassie O. May, RMR 25 Notary Public, State of Florida Esquire Deposition Solutions</p>	<p>1 EXAMINATION INDEX</p> <p>2 Examination BY MS. LOSSIA 6</p> <p>3</p> <p>4</p> <p>5</p> <p>6 EXHIBIT INDEX</p> <p>7</p> <p>8 EXHIBIT NO. PAGE NO.</p> <p>9 1 Second Amended Complaint 9</p> <p>10 2 DPA 142 - DPA 148 36</p> <p>11 3 DPA 272 46</p> <p>12 4 DPA 47 - DPA 51 58</p> <p>13 5 DPA 39 - DPA 40 61</p> <p>14 6 DPA 42 62</p> <p>15 7 DPA 43 62</p> <p>16 8 DPA 45 62</p> <p>17 9 DPA 22 66</p> <p>18 10 DPA 24 and DPA 26 69</p> <p>19 11 DPA 28 72</p> <p>20 12 DPA 32 74</p> <p>21 13 DPA 34 - DPA 37 75</p> <p>22 14 DPA 63 - DPA 68 76</p> <p>23 15 DPA 78 78</p> <p>24 17 DPA 89 - DPA 168 79</p> <p>25 19 DPA 245 - DPA 247 87</p> <p>26 20 DPA 260 - DPA 261 88</p>
Page 2	Page 4
<p>1 APPEARANCES</p> <p>2</p> <p>3 On behalf of Plaintiff(s):</p> <p>4 Nicholas P. Granath, Esq SEHAM, SEHAM, MELTZ & PETERSEN, LLP 199 Main Street 5 Seventh Floor White Plains, New York 10601</p> <p>6</p> <p>7 Also present: Timothy Caplinger</p> <p>8 On behalf of Defendant(s):</p> <p>9 Dana Lossia, Esq. (via videoconference) LEVY RATNER, P.C. 10 80 Eighth Avenue Eighth Floor 11 New York, New York 10011 12 Also present: Russell Melvin (via telephone)</p> <p>13</p> <p>14</p> <p>15</p> <p>16</p> <p>17</p> <p>18</p> <p>19</p> <p>20</p> <p>21</p> <p>22</p> <p>23</p> <p>24</p> <p>25</p>	<p>1 21 DPA 262 - DPA 268 88</p> <p>2 23 DPA 629 - DPA 633 105</p> <p>3 24 DPA 635 - DPA 648 106</p> <p>4 25 DPA 692 - DPA 693 106</p> <p>5 26 Def 00555 - Def 000571 107</p> <p>6 27 Def 00572 - Def 00595 110</p> <p>7 28 Def 01054 - Def 01076 112</p> <p>8</p> <p>9</p> <p>10</p> <p>11</p> <p>12</p> <p>13</p> <p>14</p> <p>15</p> <p>16</p> <p>17</p> <p>18</p> <p>19</p> <p>20</p> <p>21</p> <p>22</p> <p>23</p> <p>24</p> <p>25</p>

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<p style="text-align: right;">Page 9</p> <p>1 A No.</p> <p>2 Q Did you review any documents to prepare for</p> <p>3 today's deposition?</p> <p>4 A Yes.</p> <p>5 Q What documents did you review?</p> <p>6 A The support tickets that we sent in requesting</p> <p>7 assistance from Squarespace.</p> <p>8 Q Anything else?</p> <p>9 A To the best of my recollection, no. If I</p> <p>10 remember, I will tell you.</p> <p>11 Q If I use the acronym DPA, I am referring to</p> <p>12 Delta Pilots Association, okay?</p> <p>13 A Okay.</p> <p>14 Q If I use the acronym ALPA, I am referring to</p> <p>15 the Airline Pilots Association; is that okay?</p> <p>16 A Understood.</p> <p>17 Q I would like the court reporter to mark as</p> <p>18 Defendant's Deposition Exhibit 1 the second amended</p> <p>19 complaint.</p> <p>20 (Exhibit No. 1 marked for identification.)</p> <p>21 BY MS. LOSSIA:</p> <p>22 Q Do you have all 16 pages of that document in</p> <p>23 front of you?</p> <p>24 A It appears that there are.</p> <p>25 Q Please look at paragraph 4, page 2.</p>	<p style="text-align: right;">Page 11</p> <p>1 Q When was the last time the board of directors</p> <p>2 was contacted because an issue needed to be addressed?</p> <p>3 A I don't recall.</p> <p>4 Q When an issue needs to be addressed by members</p> <p>5 of the board of directors, is it you who contacts them</p> <p>6 electronically or by phone?</p> <p>7 A Mr. Caplinger usually initiates those</p> <p>8 contacts.</p> <p>9 Q Has there been a time when you initiated those</p> <p>10 contacts?</p> <p>11 A I communicate with Mr. Caplinger on a regular</p> <p>12 basis outside of my responsibilities as a board member,</p> <p>13 so conversations could come up related to that.</p> <p>14 Q Have you ever contacted a member of the DPA</p> <p>15 board of directors to discuss an issue that needed to be</p> <p>16 addressed by the board?</p> <p>17 A Not to my recollection.</p> <p>18 Q Have you ever discussed the alleged hacking of</p> <p>19 the DPA website with a member of the DPA board of</p> <p>20 directors other than Mr. Caplinger?</p> <p>21 A No.</p> <p>22 Q Have you ever discussed this litigation with a</p> <p>23 member of the DPA board of directors other than</p> <p>24 Mr. Caplinger?</p> <p>25 A No.</p>
<p style="text-align: right;">Page 10</p> <p>1 A Okay.</p> <p>2 Q DPA alleges that Russell Melvin was involved</p> <p>3 in hacking the DPA website, correct?</p> <p>4 A As everything has progressed from the original</p> <p>5 hacking, yes.</p> <p>6 Q Is it your belief that Mr. Melvin acted alone</p> <p>7 or with others?</p> <p>8 MR. GRANATH: Objection, form. Go ahead and</p> <p>9 answer it if you can.</p> <p>10 THE WITNESS: I do not know.</p> <p>11 BY MS. LOSSIA:</p> <p>12 Q Do you have any reason to believe that</p> <p>13 Mr. Melvin acted with others in allegedly hacking the</p> <p>14 DPA website?</p> <p>15 A I would have no knowledge of that.</p> <p>16 Q Who are the current members of the DPA board</p> <p>17 of directors?</p> <p>18 A Mr. Caplinger, myself. I know that there are</p> <p>19 other members, but I don't know them by name.</p> <p>20 Q When was your last meeting of the DPA board of</p> <p>21 directors?</p> <p>22 A We don't hold meetings. The board of</p> <p>23 directors are contacted when issues need to be</p> <p>24 addressed, and usually it's done electronically or by</p> <p>25 phone call individually.</p>	<p style="text-align: right;">Page 12</p> <p>1 Q To your knowledge, did Mr. Caplinger discuss</p> <p>2 this litigation with any other members of the DPA board</p> <p>3 of directors other than you?</p> <p>4 MR. GRANATH: Objection, form. Answer it if</p> <p>5 you can.</p> <p>6 THE WITNESS: Can you restate the question,</p> <p>7 please.</p> <p>8 MS. LOSSIA: Could the court reporter read the</p> <p>9 question back, please.</p> <p>10 (Portions of record read back by court</p> <p>11 reporter.)</p> <p>12 THE WITNESS: Not to my knowledge, but I would</p> <p>13 suspect in the process he would.</p> <p>14 BY MS. LOSSIA:</p> <p>15 Q Please look at paragraph 21 of the second</p> <p>16 amended complaint.</p> <p>17 A Okay.</p> <p>18 Q Do you believe the allegation in paragraph 21</p> <p>19 of the second amended complaint to be true and accurate?</p> <p>20 MR. GRANATH: Objection, form.</p> <p>21 THE WITNESS: The question again was can it</p> <p>22 be --</p> <p>23 BY MS. LOSSIA:</p> <p>24 Q Do you believe paragraph 21 to be true?</p> <p>25 A Yes.</p>

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<p style="text-align: right;">Page 13</p> <p>1 Q Who registered delta-pilots.org?</p> <p>2 MR. GRANATH: Objection, form. Answer it if</p> <p>3 you can.</p> <p>4 BY MS. LOSSIA:</p> <p>5 Q You can answer the question.</p> <p>6 A Okay. To be clear of your question, you said</p> <p>7 pilot without an S?</p> <p>8 Q I actually meant to say pilots with an S, the</p> <p>9 website that is --</p> <p>10 A So I need you to state the question again</p> <p>11 because I was assuming you said without the S.</p> <p>12 Q I will state it again.</p> <p>13 Who registered delta-pilots.org?</p> <p>14 A Mr. Caplinger, to the best of my knowledge.</p> <p>15 Q Who paid for it?</p> <p>16 A Mr. Caplinger, to the best of my knowledge.</p> <p>17 Q Do you recall when that domain was registered?</p> <p>18 A I don't know because I was not associated with</p> <p>19 the organization at that time.</p> <p>20 Q Who created the website at delta-pilots.org?</p> <p>21 A Mr. Caplinger, to the best of my knowledge.</p> <p>22 Q And who paid for its hosting?</p> <p>23 A Mr. Caplinger.</p> <p>24 Q Who has administrative control over that</p> <p>25 website?</p>	<p style="text-align: right;">Page 15</p> <p>1 Q And when was that?</p> <p>2 A Sometime in the fall of 2010 when we</p> <p>3 established it, to the best of my recollection.</p> <p>4 Q Is that also when you became the webmaster for</p> <p>5 DPA?</p> <p>6 A Yes.</p> <p>7 Q Are you still the webmaster for DPA?</p> <p>8 A In title only.</p> <p>9 Q When did you stop performing the duties of</p> <p>10 webmaster for DPA?</p> <p>11 A In the middle of 2013, I had personal affairs,</p> <p>12 a divorce situation develop and advised Tim of the</p> <p>13 situation, Mr. Caplinger, and he assumed more of the</p> <p>14 responsibilities so that I could deal with my personal</p> <p>15 issues, but I was always available to assist at any</p> <p>16 time. So he took over more of the maintenance at that</p> <p>17 point.</p> <p>18 Q At some point after the middle of 2013, did</p> <p>19 you resume those duties?</p> <p>20 A I have never fully resumed the duties, but I</p> <p>21 have always been available to assist and consult with</p> <p>22 him on anything related to the website.</p> <p>23 Q Prior to the middle of 2013, can you please</p> <p>24 describe what your duties and responsibilities were as</p> <p>25 webmaster for DPA.</p>
<p style="text-align: right;">Page 14</p> <p>1 MR. GRANATH: Objection, form.</p> <p>2 BY MS. LOSSIA:</p> <p>3 Q Mr. Eagan, if your counsel states an</p> <p>4 objection, you can still answer the question unless he</p> <p>5 directs you not to.</p> <p>6 A Okay. I'm sorry.</p> <p>7 Q That's okay.</p> <p>8 A So state the question again for me, please,</p> <p>9 because I think there is -- it has to be broken down.</p> <p>10 Q Who has administrative control over the</p> <p>11 website we have been discussing that's listed in</p> <p>12 paragraph 21?</p> <p>13 A So that would be a timing thing. Before I was</p> <p>14 in the organization, it was just Mr. Caplinger. And</p> <p>15 then when I became part of the organization, it was</p> <p>16 Mr. Caplinger and myself.</p> <p>17 Q And when was that that you gained</p> <p>18 administrative control of that website?</p> <p>19 A I don't have a specific date, but I will say</p> <p>20 in the fall of 2010, 2010 --</p> <p>21 Q Is that when you became the -- go ahead.</p> <p>22 A I would like to correct the record because the</p> <p>23 original website was not on Squarespace and I did not</p> <p>24 have access to that. It was not until Squarespace that</p> <p>25 I had access.</p>	<p style="text-align: right;">Page 16</p> <p>1 A Managed the content structure of the website,</p> <p>2 managed the administrative maintenance of the website,</p> <p>3 post content that was provided Mr. Caplinger,</p> <p>4 development of anything that we might want to add in</p> <p>5 terms of its esthetics or functionality. There are</p> <p>6 probably other minor details, but I don't recall.</p> <p>7 Q Do you recall more specifically when you</p> <p>8 transitioned away from all of those responsibilities in</p> <p>9 2013, what month?</p> <p>10 A My wife and I separated in June. I advised</p> <p>11 Mr. Caplinger what was going on, and it was a slow</p> <p>12 transition out of that until September of that year when</p> <p>13 divorce papers were actually filed. And Mr. Caplinger</p> <p>14 said, "Don't worry about it, I will take care of</p> <p>15 everything."</p> <p>16 Q At some point did anyone other Mr. Caplinger</p> <p>17 have authorization to access DPA's Squarespace account?</p> <p>18 A To my knowledge, no.</p> <p>19 Q Please look at paragraph 25 of the second</p> <p>20 amended complaint.</p> <p>21 A Okay.</p> <p>22 Q This paragraph says, "Through Squarespace, DPA</p> <p>23 also links to various domain names or other URLs or</p> <p>24 websites on other computers used in interstate commerce</p> <p>25 and maintains a webmaster account."</p>

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<p style="text-align: right;">Page 17</p> <p>1 Did I read it correctly?</p> <p>2 A Yes.</p> <p>3 Q When you refer to DPA linking to various</p> <p>4 domain names and other URLs or websites, do you mean in</p> <p>5 sort of laymen's terms that there are hypertext links</p> <p>6 that can be clicked to take the user to a website that</p> <p>7 is not the DPA website?</p> <p>8 MR. GRANATH: Objection, foundation. Answer</p> <p>9 it if you can.</p> <p>10 THE WITNESS: Yes. As an example, if there is</p> <p>11 a video link, it could link to YouTube.</p> <p>12 BY MS. LOSSIA:</p> <p>13 Q Okay. And YouTube is not a DPA website, but</p> <p>14 the DPA website could be linking to YouTube?</p> <p>15 A Correct.</p> <p>16 Q Before November of 2013, did you know Russell</p> <p>17 Melvin?</p> <p>18 A I still don't know Russell Melvin other than a</p> <p>19 name.</p> <p>20 Q Did you know the name Russell Melvin before</p> <p>21 November of 2013?</p> <p>22 A No.</p> <p>23 Q Have you ever --</p> <p>24 A Excuse me, and I can't say that I knew him in</p> <p>25 2013. I'm not sure when it was figured out that his</p>	<p style="text-align: right;">Page 19</p> <p>1 developing the case.</p> <p>2 BY MS. LOSSIA:</p> <p>3 Q Thank you for that answer and I would like to</p> <p>4 follow up on that.</p> <p>5 You mentioned that you may have been asked by</p> <p>6 Mr. Caplinger to research something. Can you describe</p> <p>7 what you mean by that.</p> <p>8 A I have no specific recollection of anything</p> <p>9 related to it. I can just say that Mr. Caplinger would</p> <p>10 occasionally ask me to do something and I would do it,</p> <p>11 but I can't recall what it would be. It could be</p> <p>12 website stuff. It could have been something else.</p> <p>13 Q I'm looking at paragraph 40 of the second</p> <p>14 amended complaint.</p> <p>15 A Okay.</p> <p>16 Q What evidence, if any, does DPA have that</p> <p>17 Mr. Melvin obtained and used the e-mail address of</p> <p>18 amp.chumbawamba@ausi.com?</p> <p>19 MR. GRANATH: Objection, foundation.</p> <p>20 THE WITNESS: I learned about it in</p> <p>21 discussions with Mr. Caplinger, so I don't have any</p> <p>22 first-hand knowledge.</p> <p>23 BY MS. LOSSIA:</p> <p>24 Q Did DPA obtain any records from ausi.com about</p> <p>25 the owner or user of that e-mail address?</p>
<p style="text-align: right;">Page 18</p> <p>1 name came into play, so I can't even say it was 2013.</p> <p>2 It may have been.</p> <p>3 Q Okay. Thank you.</p> <p>4 Have you ever corresponded with Mr. Melvin</p> <p>5 over e-mail?</p> <p>6 A Me personally, no.</p> <p>7 Q Text message?</p> <p>8 A No form of communications with Mr. Melvin.</p> <p>9 Q I am referring for my next question to</p> <p>10 paragraph 38 of the second amended complaint.</p> <p>11 A Okay.</p> <p>12 Q DPA alleges that Mr. Melvin obtained the DPA</p> <p>13 administrative login and password, correct?</p> <p>14 A That's what this says.</p> <p>15 Q What evidence does DPA have that Mr. Melvin</p> <p>16 obtained the DPA administrative login and password?</p> <p>17 MR. GRANATH: Objection, foundation.</p> <p>18 THE WITNESS: I only have secondhand</p> <p>19 knowledge. I don't have any specific knowledge of</p> <p>20 it because I have not been involved in the</p> <p>21 investigation of trying to figure out that</p> <p>22 information unless asked by Mr. Caplinger to</p> <p>23 research something, but other than that, I don't.</p> <p>24 And usually it was related to technical aspects of</p> <p>25 the website versus other things that have gone into</p>	<p style="text-align: right;">Page 20</p> <p>1 MR. GRANATH: Objection, foundation.</p> <p>2 THE WITNESS: I have no personal knowledge of</p> <p>3 how that transpired.</p> <p>4 BY MS. LOSSIA:</p> <p>5 Q Paragraph 41 of the second amended complaint</p> <p>6 refers to DPA's website. Is it your understanding that</p> <p>7 that is the same website that is referred to in</p> <p>8 paragraph 21 of the second amended complaint?</p> <p>9 A Yes.</p> <p>10 Q What evidence, if any, does DPA have that</p> <p>11 Mr. Melvin used the DPA administrative login and</p> <p>12 password to access DPA's website starting on or about</p> <p>13 November 8, 2013?</p> <p>14 MR. GRANATH: Objection, foundation.</p> <p>15 THE WITNESS: I have no personal information</p> <p>16 on that.</p> <p>17 BY MS. LOSSIA:</p> <p>18 Q Is it possible that someone other than</p> <p>19 Mr. Melvin used the DPA administrative login and</p> <p>20 password to access DPA's website starting on or about</p> <p>21 November 8, 2013?</p> <p>22 MR. GRANATH: Objection, form.</p> <p>23 THE WITNESS: Answer it?</p> <p>24 MR. GRANATH: Go ahead and answer if you can.</p> <p>25 You can answer any question unless I instruct you</p>